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1-16/04

PATENT
ATTORNEY DOCKET NO. 034913-48-6001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re Application of: James D. SCISSOM, et al.)	
)	Confirmation No.: 6486
Application No.: 09/987,052)	
)	Group Art Unit: 3637
Filed: November 13, 2001)	
)	Examiner: D. Dorsey
For: RESILIENT PEDESTAL HEAD FOR)	
A RAISED ACCESS FLOOR SYSTEM)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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GROUP 3600

Sir:

TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Election/Restriction Requirement dated November 5, 2003.
2. Additional papers enclosed:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal (Correction) |
| <input type="checkbox"/> | Information Disclosure Statement |
| <input type="checkbox"/> | Form PTO-1449, _____ references included |
| <input type="checkbox"/> | Citations |
| <input type="checkbox"/> | Declaration of Biological Deposit |
| <input type="checkbox"/> | Submission of "Sequence Listing", computer readable copy and/or amendment
pertaining thereto for biotechnology invention containing nucleotide and/or amino
acid sequence. |

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$ 110.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	25	minus	25	0	x \$18 each=	+ \$ -0-
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$86 each=	+ \$ -0-
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$ -0-
SUB-TOTAL =						\$ -0-
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ -0-

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the amount of \$ 110.00 for the one month extension of time fee to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 5, 2004

By: 

Peter J. Sistare

Reg. No. 48,183

CUSTOMER NO. 09629**MORGAN, LEWIS & BOCKIUS LLP**

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Washington, D.C. 20004

Telephone: (202) 739-3000



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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In an Election/Restriction Requirement dated November 5, 2003 (Paper No. 5), the period for response to which extends through January 5, 2004 by the concurrently filed petition for a one-month extension of time and corresponding fee payment, the Examiner required restriction under 35 U.S.C. § 121 between Group I (claims 1-20), and Group II (claims 21-25). The Examiner further required election of species between the invention identified in the Office Action as Fig. 3, and the invention identified in the Office Action as Fig. 9.

Applicants hereby provisionally elect the invention identified in the Office Action as Fig. 3, within Group I, for examination. At least claims 1-9 and 11-20 are readable on the elected species, within Group I. It is respectfully submitted that at least claims 1-5, 9, 11-15 and 18-20 are generic to all of the species, within Group I. An action on the merits is requested.

The Examiner is reminded that should no prior art be found rendering the generic claims non-patentable, the search of the application should be extended to the non-elected species, as instructed in MPEP § 809.02(c).

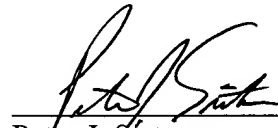
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 5, 2004

By:


Peter J. Sistare
Reg. No. 48,183

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